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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,780	06/13/2005	Roar Bendtsen Schou	120992	3546
25944 7590 02/26/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
DEMEREE, CHRISTOPHER R				
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
02/26/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/506,780

**Applicant(s)**

SCHOU, ROAR BENDTSEN

**Examiner**

CHRISTOPHER DEMEREE

**Art Unit**

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schou (WO 01/15977 A2) in view of Shanton (US 5776619 A).

Regarding claims 1, 4, 7 and 8, Schou teaches a block carton, comprising: a first surface and a second surface; a preferably rectangular bottom panel (3) with four- sides and having a front and an opposed rear side panel (2 and 6) and two opposed end side panels (4 and 5), wherein each of the side panels has a length like the corresponding side of the bottom panel, wherein a side panel or end side panel is connected to a side on a lid panel (7), wherein the lid panel is preferably provided with one or more lid flaps along the remaining sides of the lid, and wherein the side panels preferably comprise corner segments (14) arranged in correspondence with the corners of the bottom panel; wherein the first surface comprises a first coating being essentially impermeable to water vapor; and wherein the second surface comprises a second coating having a large number of comparatively small pinhole openings (Page 2 lines 19-29); characterized in that at least one of the surfaces is coated with a finish in a water-insoluble form (paraffin coating; Page 3 lines 1-10). Schou lacks a coating of water-based varnish. Shanton teaches plate stock comprising a water-based varnish coating

(Col 6 lines 34-45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Schou's block carton to include a varnish coating in order to make the carton impervious to grease and oil (Shanton; see Abstract).

Regarding claim 2, Schou, as modified above, teaches a cover for a block carton wherein the first coating is in the form of a finish in a water-insoluble form (Shanton; 16); and wherein the second coating is a paraffin coating (Schou; Page 2 lines 23-25).

Regarding claims 3 and 6, Schou, as modified above, teaches a cover for a block carton wherein a finish-coated side is provided with a visual indication (Page 5 lines 11-13).

Regarding claims 5 and 9-25, Schou, as modified above, discloses the claimed invention except for teaching that the openings in the second coating constitute 5 percent or less than the total surface of the second coating or have a diameter of 1 mm or less. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pinhole openings in the second coating constitute 5 percent or less than the total surface of the second coating, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

### ***Response to Arguments***

3. Applicant's arguments filed 11/26/2008 have been fully considered but they are not persuasive. Applicant argues that Schou in view of Shanton fails to teach a block carton that includes a first surface having a first coating that is essentially impermeable to water vapor and a second surface having a second coating that has a large number

of small pinhole openings. Applicant argues that said second coating is in face-to-face relationship with the foodstuffs within said carton.

Examiner respectfully disagrees that Shou in view of Shanton fails to teach both coatings. Examiner notes that Shou indeed teaches a coating comprising a large number of small pinhole openings (Shou; Page 2 lines 19-29). Examiner also notes that Shanton teaches a water-based varnish coating (Col 6 lines 34-45). Shanton is being relied upon solely to teach a coating of water-based varnish; it would have been obvious to use said coating on the opposite side of the board. Moreover, examiner notes that Claim 1 does not make any distinction as per which coating is facing the foodstuffs or not.

#### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTOPHER DEMEREE** whose telephone number is

(571)270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Demeree/  
Examiner, Art Unit 3782

/Gary E. Elkins/  
Primary Examiner, Art Unit 3782